

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of amendments above and the following remarks.

By virtue of the amendments above, claims 1-5 have been amended, and claim 6 has been added. Accordingly, claims 1-6 are pending in the present application of which claims 1 and 6 are independent.

No new matter has been introduced by way of the claim amendments or addition; entry thereof is therefore respectfully requested.

Claims 1 and 4 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,731,763 to Herweck in view of U.S. Patent No. 5,382,983 to Kwoh et al. ("Kwoh") and U.S. Patent No. 4,346,424 to Hansen.

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck in view of Kwoh, Hansen, and U.S. Patent No. 6,046,549 to James.

Claims 3 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck in view of Kwoh, Hansen, and U.S. Patent No. 6,507,794 to Hubbard et al. ("Hubbard").

Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck in view of Kwoh, Hansen, and U.S. Patent No. 3,969,886 to Yoda.

**Drawings**

The indication that the drawings submitted on January 5, 2010 have been approved is noted with appreciation.

**Claim Rejections Under 35 U.S.C. §103(a)**

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007):

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or

to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S., 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

In rejecting the claims, the Examiner has cited Herweck as the primary reference, but then admits that Herweck fails to teach or suggest almost all of the recited features of the present claims. (See pages 3-11 of the Office Action.)

Actually, Herweck teaches a video/TV access controller which only allows a user to remotely block the operation of the video/TV device. It does not teach or suggest or even consider any of the numerous advantageous recited features of the present invention.

The Examiner then cites Kwoh, Hansen, James, Yoda, and Hubbard as teaching the many recited features of the present invention which are admittedly deficient in Herweck.

While Kwoh teaches an apparatus and method for total parental control of television use which is arguably in the same field as Herweck, the other cited references are not in the same field nor are they even in a related field.

For example, Hansen relates to an electronic remote control DC power control and overload circuit breaker for the cockpit controlled DC power system of an aircraft. James relates to an energy saving lighting controller and Yoda relates to a digital electronic watch

for displaying both time and the time remaining within a preselected time period. Lastly, Hubbard relates to an energy meter with power quality monitoring systems and methods.

Thus, it is submitted that it would not be obvious to combine the features of the cited Hansen, James, Yoda, and Hubbard references with Herweck in the fashion noted by the Examiner since these references are not in the same or related fields nor are they in the same or related fields as the present invention.

Rather, the Examiner has combined bits and pieces of the cited references in a non-obvious fashion based on the teachings of the present application to produce combinations which purportedly meet the recited limitations of the present claims.

#### **Claims 1 and 4**

Claims 1 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Herweck in view of Kwoh and Hansen. Without a disclaimer to any other reason that may have been previously raised or can be made for traversal of this rejection, this rejection is respectfully traversed for at least the following reasons.

Amended claim 1 recites, *inter alia*, the control means (3), including “a clock generating unit (36) for generating clock signals at regular time periods, ... , an MPU (42) for performing real-time counting by counting the clock signals generated by the clock generating unit (36) and outputting a control signal to shut off the power when a counted value is identical with the preset operating time transmitted from the remote controller (1) and stored in the memory (35), whether the counted value is identical with the preset operating time transmitted from the remote controller being determined by comparing the counted value with the preset operating time.”

Herweck fails to teach or suggest at least a clock generating unit (36) for generating clock signals at regular time periods and an MPU (42) for performing real-time counting by counting the clock signals generated by the clock generating unit (36) and outputting a control signal to shut off a power when a counted value is identical with a preset operating time transmitted from a remote controller (1) and stored in a memory (35), whether the counted value is identical with the preset operating time transmitted from the remote controller being determined by comparing the counted value with the preset operating time. As conceded by the Examiner in the Office Action at page 3, Herweck does not disclose Applicant's clock generating unit (36) and second MPU (42). Thus, Herweck fails to teach the control means (3), including a clock generating unit (36) for generating clock signals at regular periods, ... , an MPU (42) for performing real-time counting by counting the clock signals generated by the clock generating unit (36) and outputting a control signal to shut off the power when a counted value is identical with the preset operating time transmitted from the remote controller (1) and stored in the memory (35) by comparing the counted value with the preset operating time, as discussed for claim 1.

Kwoh and Hansen fail to cure the above-discussed deficiency of Herweck for at least the following reasons.

Kwoh and Hansen do not teach or suggest a clock generating unit (36) for generating clock signals at regular periods and an MPU (42) for performing real-time counting by counting the clock signals generated by the clock generating unit (36) and outputting a control signal to shut off a power when a counted value is identical with a preset operating time transmitted from a remote controller (1) and stored in a memory (35) by comparing the counted value with the preset operating time. Hansen is silent as to having such features.

More specifically, the Office Action at pages 7-8 asserts, with reference to Fig. 3 of Kwoh, that a clock 42 corresponds to Applicant's clock generating unit (36), and that a microprocessor 50 and a micro controller 60 corresponds to Applicant's second MPU (42). In the specification of Kwoh, for example, in a paragraph of col. 5, lines 16-19, related to Fig. 3, Kwoh teaches that the clock 42 is used for timing the operation of the time/channel programming circuit 40 and the G-code decoder 38. Kwoh also teaches the micro processor 50 for overall control and performing the parental control functions in the disclosure, for example, in a paragraph of col. 4, lines 50-55, related to Fig. 3. However, while the clock 42 in Fig. 3 of Kwoh is used to synchronize date and time information and the micro processor 50 in Fig. 3 of Kwoh is used to perform parental controls to allow programming to be viewed at a specific time, the micro processor 50 in Fig. 3 of Kwoh does not perform real-time counting by counting clock signals from the clock 42 and out a control signal to shut off a power when a counted value is identical with a preset operating time by comparing the counted value with the preset operating time. Thus, Kwoh fails to teach the control means (3), including a clock generating unit (36) for generating clock signals at regular periods, ... , an MPU (42) for performing real-time counting by counting the clock signals generated by the clock generating unit (36) and outputting a control signal to shut off the power when a counted value is identical with the preset operating time transmitted from the remote controller (1) and stored in the memory (35) by comparing the counted value with the preset operating time, as discussed for claim 1.

Thus, for at least the foregoing reasons, the proposed combination of Herweck, Kwoh, and Hansen fails to teach or suggest all of the recited features of amended independent claim 1. The Office Action has thus failed to establish that independent claim 1 and its dependent

claims are prima facie obvious. The Examiner is therefore respectfully requested to withdraw the rejection of independent claim 1 and its dependent claims and to allow these claims.

**Claim 2**

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck, Kwoh, and Hansen as applied to claim 1 above, and further in view of James. This rejection is respectfully traversed for at least the following reasons.

Claim 2 depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Herweck, Kwoh, and Hansen, either alone or in combination, fail to teach or suggest the above-recited features of claim 1.

James fails to overcome the above-discussed deficiencies of Herweck, Kwoh, and Hansen. More specifically, the Office Action at page 11 relies on James as showing features related to a load detecting unit (39). However, such features of James and the rest of James's disclosure fail to teach or suggest the above-recited features of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Herweck, Kwoh, Hansen, and James fails to teach or suggest the above-discussed features of claim 2. It is respectfully submitted that the Office Action *failed* to establish a *prima facie* case of obviousness against claim 2. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 2 and to allow this claim.

**Claim 3**

Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck, Kwoh, and Hansen as applied to claim 1 above, and further in view of Hubbard. This rejection is respectfully traversed for at least the following reasons.

Claim 3 depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Herweck, Kwoh, and Hansen, either alone or in combination, fail to teach or suggest the above-recited features of claim 1.

Hubbard fails to overcome the above-discussed deficiencies of Herweck, Kwoh, and Hansen. More specifically, the Office Action at page 12 relies on Hubbard as showing features related to a low voltage detecting unit (37). However, such features of Hubbard and the rest of Hubbard's disclosure fail to teach or suggest the above-recited features of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Herweck, Kwoh, Hansen, and Hubbard fails to teach or suggest the above-discussed features of claim 3. It is respectfully submitted that the Office Action *failed* to establish a *prima facie* case of obviousness against claim 3. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 3 and to allow this claim.

**Claim 5**

Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Herweck, Kwoh, and Hansen as applied to claim 1 above, and further in view of Yoda. This rejection is respectfully traversed for at least the following reasons.



Claim 5 depends from claim 1. Thus, for at least the same reasons set forth with respect to claim 1, Herweck, Kwoh, and Hansen, either alone or in combination, fail to teach or suggest the above-recited features of claim 1.

Yoda fails to overcome the above-discussed deficiencies of Herweck, Kwoh, and Hansen. More specifically, the Office Action at page 14 relies on Yoda as showing features related to a warning or alarm made to a user. However, such features of Yoda and the rest of Yoda's disclosure fail to teach or suggest the above-recited features of claim 1.

Thus, for at least the above-discussed reasons, the proposed combination of Herweck, Kwoh, Hansen, and Yoda fails to teach or suggest the above-discussed features of claim 5. It is respectfully submitted that the Office Action *failed* to establish a *prima facie* case of obviousness against claim 5. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 5 and to allow this claim.

#### **Newly Added Claim**

New claim 6 has been added to further define the scope of the invention. The recited features of added claim 6 are submitted to be allowable over the cited prior art of record for the reasons noted above with regard to claim 1.

**Additional Cited Reference**

The Deak reference was cited by the Examiner but not utilized in the rejection of the claims and accordingly, no further comment on this reference is necessary.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

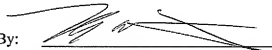
Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-5025.

Respectfully submitted,

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